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Before the
THE FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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MAY 20 1999

In the Matter of

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

**INTERNATIONAL EXCHANGE COMMUNICATIONS, INC.'S
ACQUISITION OF CUSTOMER BASE
OF ROBO TEL, INC.**

FIRST AMENDED PETITION FOR WAIVER OF COMMISSION RULES

1. International Exchange Communications, Inc. ("IEComm"), a wholly owned subsidiary of Pacific Gateway Exchange, Inc., requests that the Federal Communications Commission (the "Commission") grant a waiver of its rules and orders governing the authorization and verification necessary to change a consumer's preferred carrier. As demonstrated herein, good cause exists for the granting of the waiver requested: the purposes for the general rule for which the waiver is being sought will be fulfilled by the measures proposed by IEComm, and the granting of the waiver requested will be in the public interest in general, and specifically in the interest of the customers whose accounts are affected by the change in carrier. *See Northeaster Cellular Telephone Company v. F.C.C.*, 897 F.2d 1164 (D.C. 1990); and *WAIT Radio v. F.C.C.*, 418 F.2d 1153 (D.C. 1969).

2. Within the next several days, IEComm intends to purchase certain assets of Robo Tel, Inc. ("Robo Tel"), pursuant to a written Asset Purchase Agreement dated March 19, 1999 and attached as Exhibit "A" to IEComm's original Petition for Waiver dated April 9, 1999. The assets purchased by IEComm include, but are not limited to: Robo Tel's customer accounts; Robo Tel's accounts

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receivables; agreements, contracts, letters of agency (LOAs), or other authorizations of Robo Tel's customers; deposits of Robo Tel's customers; and certain other non-customer assets of Robo Tel. IECComm is in good standing in each jurisdiction required to provide interexchange services to the former Robo Tel customers. The special circumstances warranting a deviation or waiver from the Commission's rules and orders include the need to provide seamless transitions of long distance service for the affected Robo Tel customers.

3. In early-to-mid April, 1999, IECComm sent notice letters to all Robo Tel customers, in the form shown by Exhibit "A" attached hereto, notifying them of the proposed assumption of the customers' service by IECComm, assuring the customers that they will either receive the same or better rates and services than those which they were receiving from Robo Tel, and advising the customers that they can choose a different preferred carrier should they desire. Once the proposed sale has been consummated, IECComm will notify the customers of that event and reiterate the foregoing information, assurances and advice. Further, IECComm will amend its domestic tariff to include any Robo Tel tariffed rates for any customers for which IECComm will provide service. Additionally, IECComm will take responsibility to investigate, respond, and attempt to cure any complaints of former Robo Tel customers processed after the sale.

4. The Commission is charged with administration in the "public interest." IECComm submits that allowing it to continue service to the former Robo Tel customers would be a seamless transition, in that there would be no P.I.C. charges incurred by any of the former Robo Tel customers and no interruption of service. Thus, the granting of the requested waiver by the Commission will be in the public interest in general, and specifically in the interest of the Robo Tel customers whose accounts

are affected by the proposed and pending sale.

WHEREFORE, for each of the above reasons and subject to the foregoing conditions, IECComm requests that, effective immediately, the Commission grant a waiver of its rules and orders to allow IECComm to be designated the preferred long distance carrier for current customers of Robo Tel without obtaining the customers' authorization and verification.

This 4th day of May, 1999.

Respectfully submitted,



**RANDALL A. SMITH
ANDREW L. KRAMER**

Of

SMITH, JONES & FAWER, L.L.P.

201 St. Charles Avenue, Suite 3702

New Orleans, Louisiana 70170

Telephone: (504) 525-2200

Facsimile: (504) 525-2205

/and/

LEON L. NOWALSKY

Of

NOWALSKY, BRONSTON & GOTHARD, L.L.P.

3500 North Causeway Boulevard

Metairie, Louisiana 70002

Telephone: (504) 832-1984

**Attorneys for International Exchange
Communications, Inc.**

Robo Tel, Inc.**International Exchange Communications, Inc****Robo Tel Customer****Dear Customer:**

On March 19, 1999, International Exchange Communications, Inc ("IECOM") and Robo Tel, Inc. ("Robo Tel") entered into an agreement whereby, subject to regulatory approval, the telecommunications Assets of Robo Tel will be acquired by IECOM. At that time, The Robo Tel Business will become a Division of IECOM ("Robo Tel Division"), and IECOM will become your telecommunication service provider.

This change in ownership will not affect or in any way disrupt your current service. The Robo Tel Division will continue to be available to service your needs. No charges or fees will be imposed and no rate increase will occur as a result of the transfer. The toll free Customer Service number will remain the same and if you have any questions, please call one of our Customer Service Representative at 1-800-287-7626.

You understand that you are free to choose another long distance carrier. However, should you maintain your present service you do not have to do anything to continue to enjoy the saving and the quality service you currently have with Robo Tel. As a result of this transaction, we believe that The Robo Tel Business Division will be able to provide more competitive rates and better service in the near future.

We at International Exchange Communications are pleased to welcome you to our team and would like to express our appreciation for allowing us the opportunity of being your telecommunication service provider. We are confident that you will be pleased with the high quality of our service.

EXHIBIT**A**